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SUBJECT: Specter of "Parapolitics" Hangs Over March Congressional Election

REF: 09 BOGOTA 3347

CLASSIFIED BY: Mark Wells, Political Counselor; REASON: 1.4(B), (D)

Summary

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¶1. (C) The "parapolitica" scandal severely damaged the 2006-10 Colombian Congress' legitimacy and ability to stand as an independent and productive branch of government (90 members were implicated for collaboration with paramilitaries). The Supreme Court is investigating these cases and has recently handed down some welcome rulings. Congress passed a constitutional political reform last year designed to strengthen political parties against illicit influence and punish those who allow ineligible persons to run for offices. However, due to a lack of implementing regulations, the reform is only partially in effect. Still, a strengthened National Electoral Council (CNE) has been active early in the campaign season, suspending controversial political party National Democratic Alliance (ADN) for the participation of jailed politicians and annulling 200,000 fraudulent voter registrations. The ADN and the new National Integration Party (PIN) were reincarnations of two scandal-ridden parties, rebranded in an attempt to occult their histories. Ineligible individuals are attempting to continue influencing the political system by recruiting surrogates to run for office. NGOs, the media, and civic organizations have been active in identifying these potentially problematic candidates, but they are still likely to win seats given robust financing and the local power of political bosses and family dynasties. The responsibility to screen candidates is squarely in the hands of political parties, each of which has demonstrated a different capacity and will to do so. Overall, the 2010-14 Congress will likely see some continued controversy, but regulatory measures and attention from civil society and the international community may mitigate the matter. End Summary.

Parapolitica Scandal Hit 2006-10 Congress Hard

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¶2. (SBU) The March 14, 2010, congressional election will be the

first since the "parapolitica" scandal rocked the 2006-2010 Congress -- as of January 31, 90 of 268 senators and representatives were implicated for collaboration with paramilitaries. Of the 90, 31 remain in jail (7 found guilty and 24 awaiting legal resolution), 33 are free but under continued investigation, 18 were acquitted, and 8 were given parole. Overall, the scandal severely damaged Congress' credibility and legitimacy. The investigations cut across both governing coalition and opposition parties, though as a percentage, the pro-Uribe parties were hardest hit.

#### Supreme Court Rules

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13. (U) The Supreme Court has exclusive jurisdiction to try sitting members of Congress and is investigating the parapolitica cases. In welcome news, the Court recently condemned former Senator Alvaro Garcia to 40 years in prison for collaboration with paramilitaries and his role in the October 2000, Macayepo massacre in Montes de Maria, in which 15 rural farmers were killed. The Court kept the case even after Garcia resigned from the 2006-10 Congress, ruling that they had jurisdiction for crimes committed by active or former members of Congress in relation with their legislative duties (Note: Resignation was a legal tactic for implicated politicians to try and avoid the Supreme Court and be tried in regular courts, where appeals were available. The Court's ruling effectively

eliminated that option for the defendants. End Note). Also, the Court just denied a defense petition to release Luis Humberto Gomez, former President of Congress, during his investigation for links to Tolima paramilitaries and extradited drug trafficker Eduardo Victoria. The Court re-asserted jurisdiction over Gomez and ordered his re-capture after initially transferring it to the Prosecutor General's office (Fiscalia), which released him for lack of evidence.

#### Half-Way to Political Reform

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14. (U) In an effort to diminish the influence of illegal armed groups, the Congress approved a July 14, 2009, constitutional reform with new rules and sanctions designed to strengthen political parties and punish those who fail to fulfill their responsibilities (reftel). The reform laid out guiding principles but left many details to a second implementing law. Congress failed to pass that second law after it became politicized and debate mired in minutiae (like whether public transportation would be free on Election Day). NGOs and analysts lamented that many key sanctions and campaign finance provisions would not be in force for the 2010 elections.

#### Electoral Council Flexes Its Muscles

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15. (C) Despite these setbacks, one bright spot has been the active CNE. Alejandra Barrios, Director of the NGO Electoral Observation Mission (MOE), told us that CNE President Mario Emilio Hincapie's rare election to a second term was a factor, pointing to Hincapie's transparency, seriousness, and experience. The CNE gave one crucial sanction teeth on January 27 when it suspended the small political party National Democratic Alliance (ADN) for violating rules banning individuals who are convicted of crimes related to

illegal armed groups, narcotrafficking, or crimes against democracy or humanity from political participation.

¶6. (SBU) The suspension effectively killed the ADN. CNE Secretary General Benjamin Ortiz told poloffs that ADN will not be able to access the media, receive state funding, or, most importantly, field candidates in the upcoming congressional election. The CNE ruled that ADN violated the Constitution since two former senators in jail for parapolitica, Vicente Blel (convicted and sentenced to seven years) and Jorge Castro (pending trial), had been participating in the party's operations and planning -- brazenly being named party directors. The CNE also found that the party held fake assemblies to change the party name, slogan, and statutes. The ADN does not deny the charges and admits that the two participated in party functions by videoconference from their prison cells, but claims the party had authorization.

#### Controversial Parties Rebranded

Just in Time for Elections

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¶7. (SBU) The ADN was 64 days old when it was suspended, but in reality it was simply the scandal-ridden "Colombia Viva" party rebranded. Parapolitics decimated Colombia Viva both at the national and local level. Nearly all Colombia Viva senators who

served in Congress were implicated (the two who were originally elected in 2006, and then their first two replacements). The ADN also had roots in other controversial parties as well, including "Convergencia Ciudadana." Convergencia Ciudadana co-founder Luis Alberto Gil and former Senator Juan Carlos Martinez (both in jail) helped engineer Colombia Viva's metamorphosis.

¶8. (C) Since the ADN was suspended, many of its candidates have landed in the National Integration Party (PIN), or Convergencia Ciudadana redux. The PIN was created at the end of 2009, and continues with many controversial figures or close associates of implicated politicians. Many of its candidates, though notorious, come from families and syndicates that continue to exert political control and influence in regions where the traditional national parties are weak. They are also well financed and observers complain that they violate spending limits with impunity. Meanwhile, leaders of the opposition Liberal Party and Uribe's U Party have complained to poloffs of funding shortages and limited ability to support their candidates at the local level.

#### Massive Voter Fraud Spotted in Barranquilla

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¶9. (SBU) The CNE also took strong action against voter fraud in the port city of Barranquilla by annulling nearly 200,000 new voter registrations. CNE investigators found false identity documents and inconsistencies in voters' claimed residencies. The CNE has provided information to the Prosecutor and Inspector Generals' offices for investigations into who authored the fraud. Given that only 320,000 voted in the 2006 congressional election in Barranquilla, 200,000 falsified voters would have posed a significant electoral fraud risk. A recent Invamer-Gallup poll showed that 7% of voters (over 2 million people) acknowledged they had been offered goods or money for their votes.

¶10. (U) Unlike in the blatant case of the ADN, other ineligible persons are being more subtle by enlisting relatives or associates as surrogates. PIN accounts for much of this phenomenon, including PIN Senate candidate Viviana Blel, the aforementioned Vicente Blel's cousin. Another example is PIN Senate candidate Hector Julio Alfonso Lopez, who is the son of Enilse Lopez alias "La Gata" -- convicted for money laundering and ties to paramilitaries. NGOs and the media have identified numerous other examples of wives, sons, cousins, and others replacing implicated politicians from various parties, mostly in departments on the coast and along the Venezuelan border.

¶11. (SBU) Antonio Jose Lizarazo, former CNE magistrate, said there is no legal impediment for a relative of a convicted politician to run for office. Other observers add that barring family members for the sins of their family seems logical but would be undemocratic. Elizabeth Unger, Director of Transparency for Colombia, said that only political parties have the power to do anything by voluntarily excluding these family members from their candidate lists. However, many NGO officials lament that parties seem to be choosing guaranteed seats over moral responsibility. According to media reports, the PIN held a three-day conference where it deliberated about these candidates but ultimately accepted them as long as they signed a statement of ethics and affirmation that they had no ties to illegal armed groups (IAGs). Alvaro Caicedo, legal representative of the PIN, announced the party would

continue reviewing the controversial candidates but the only way to expel them would be if "true proof of ineligibility" existed.

#### Candidate Screening Varies Widely

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¶12. (C) The political reform placed the responsibility for vetting candidates squarely in the hands of political parties. The Liberal Party (PL) international affairs officer told poloff that only three political parties had the administrative capacity and infrastructure to properly vet candidates -- the PL, Conservative Party (PC), and the Alternative Democratic Pole (PDA). He described the other parties more as political movements centered on personalities and lacking strong party structures. He cited the example of the Radical Change party, who he said had four permanent staff members at its national headquarters.

¶13. (C) Without the clarity of an implementing law, parties have gone to varying lengths to fulfill their constitutional responsibility:

-- PDA: Potential candidates had to sign a document committing to disclose campaign finances, comply with electoral rules, submit clearance certificates from various government authorities, and affirm that they have no pending investigations against them. In contrast to other parties, vetting was delegated to regional coordinators (rather than a central authority) who would monitor candidates' compliance.

-- "Compromiso Ciudadano Por Colombia": Independent candidate

Sergio Fajardo's campaign, when forming its congressional candidate list, checked with government authorities and the USG OFAC list of designated persons as an initial filter. Each candidate then had a personal interview with Fajardo.

-- PC: Candidates were required to present certificates from government authorities (Prosecutor General, etc.) and party officials said they also ensured that candidates understood they could be expelled for not applying in good faith. The officials worried that certificates were not backed by rigorous investigations and prospective candidates could easily lie.

-- Green Party: The Greens relied on the public to screen its candidates by posting their names on the website [www.confianzaelectoral.com](http://www.confianzaelectoral.com). Also, each candidate had to sign a declaration of eligibility and pay a deposit to the party in case the party was later fined for that person's participation.

-- PL: The PL actively investigated candidates through government authorities (Prosecutor General, etc.) and also had a network of 900 watchdogs that would monitor candidates during the campaign.

-- Independent Movement of Absolute Renovation (MIRA): MIRA only accepted candidates who had been known by existing members at least five months prior to elections. The list was then reviewed by any willing party members (5,000 participated). The party also conducted a background investigation by visiting the candidates' home localities and interviewing family members, associates, and neighbors.

-- National Integration Party (PIN): The PIN does not have a clear process for vetting candidates but has talked about financial disclosure and working with government authorities.

-- Radical Change (CR): Antonio Alvarez, Secretary General, called the party's efforts a strict system to avoid a situation like that of the last four years, where many CR members were involved in parapolitica. The party only accepted candidates who were sponsored by an existing member of the party (both had to sign a statement that the person has no ties to IAGs and that their campaigns would be financed licitly). Candidates also needed to present clearance certificates from government authorities.

-- U Party: The party's departmental committees initially vetted candidates, including requiring clearance certificates from government authorities. Candidates were then reviewed by the national ethics committee (who used the OFAC list) and party leadership. Finally, the candidate had to sign a statement that they did not have ties to IAGs. Party Secretary General Solano told poloff on March 12 that he was still reviewing a few candidates that may be expelled.

Next Evolution of Parapolitica

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14. (SBU) Political scientist Juan Felipe Cardona Cardenas stated that narco-groups' attempts to co-opt the state have evolved over time. In the Pablo Escobar era, drug lords ran for office themselves but ended up being too exposed. Next, criminal groups indiscriminately financed campaigns to buy loyalty, resulting in

the "8000 Process" that plagued the administration of Ernesto Samper (1994-1998). Parapolitica was a third attempt to co-opt the system by focusing on certain regions and "friends." German Medina, Sergio Fajardo's political strategist, said the next evolution in co-optation will be even more subtle. Medina argues the political uncertainty gripping Colombia because of the Uribe reelection question has paralyzed candidates and blocked the citizenry from seriously considering congressional elections, opening space for illicit funds and fraud.

#### Lack of National Structure Limits Nefarious Influence

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¶15. (C) On the other hand, the Directors of Medellin's American Chamber of Commerce told poloff that illicit funds and IAGs would have negligible influence over upcoming elections and parapolitica was unlikely to repeat. They said that after the paramilitary demobilization, criminal groups no longer had a national structure or political impetus to control and infiltrate the political system. Groups were more interested in reducing exposure and focusing on drug trafficking.

Comment

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¶16. (C) The CNE appears to be taking its mandate seriously this

election cycle by giving some major sanctions teeth, though further progress depends on how it enforces campaign finance regulations. Also, NGOs, the media, and civil society have been exemplary watchdogs, exposing problematic candidates and their links to implicated politicians and criminal figures. Even so, local electorates are unlikely to punish candidates despite knowledge of their problematic relationships due to the continued power of dubious local political dynasties and bosses. Little has changed locally since the 2007 sub-national elections, when controversial parties were not punished at the ballot box in the face of parapolitica. Reforms yet to come into effect concerning party strengthening, internal democracy, and finance would improve parties' capacity to diminish the influence of illicit funds and IAGs and the CNE's ability to enforce regulations. The influence of illicit financing and support remains the biggest threat to the March legislative elections.

NICHOLS